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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,933	11/09/2001	Ram Baboo Gupta	00016-00	9976

7590 10/28/2003

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EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,933

Applicant(s)

GUPTA ET AL.

Examiner

Cephia D. Toomer

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, in the definition of T and T', "groups" should read—group—. Also, it is not readily apparent what "blocking group" applicant is claiming.

In claim 1, if Z is Y and Y is H, what moiety does Applicant have when T is a direct bond? Clarification and/or correction are required.

Claim 2 is rejected because there is no antecedent support for "Y is L."

Claim 3 is rejected because there is no support in claim 1 for L having heteroatoms interrupting the hydrocarbyl group. In Formula XV "D⁴ is hydrogen of R²⁵", should read --D⁴ is hydrogen or R²⁵--. In formula (XIX) R¹⁷ is not defined.

Claim 4 is a dependent of itself. Also, it is not readily apparent what blocking group applicant is claiming.

In claims 5 and 6, if TZ is the recited structures what is T? Claim 1 only recites that Z is the claimed structures.

Claim 7 is rejected because there is no antecedent support in claim 1 for Y is L.

Claim 9 is rejected because there is no support in claim 1 for the compound of formula VI. Also, the substituents R^{22} , R^{23} , R^{24} , R^{24} , R^{25} , R^{26} , R^{27} , R^{28} , R^{29} , and R^{30} do not appear in the formula.

Claim 10 is rejected because there is no support in claim 1 for the compound of formula VII. R^{18} does not appear in the formula and u, nn, and m are not defined.

Claim 11 is rejected because there is no support in claim 1 for the compound of Formula VIII. Claim 1 does not appear to support those limitations that begin at -S- and end at $-CH_2-NH-E-NH-CH_2-$. Clarification and/or correction are required.

Claim 12 is rejected because there is no support in claim 1 for Formula IX. R^{19} and R^{20} are not defined.

Claim 14 is rejected because it is a dependent of 2 claims. It is suggested that the language "of claim 1" be deleted.

In claim 15, "ABS," "PPO" and "TPU's" should be defined.

In claims 23 and 28, "B" is not defined.

In claim 24 and 25, there is no support in claim 1 for Y is L.

In claim 26, "ABS" and "TPO's" should be defined.

Claim 27 is rejected because it is a dependent of 2 claims. It is suggested that the language "of claim 1" be deleted. Also, "if" should read--is--.

In claim 29, "if" should read --is--.

In claim 30, "ABS," "PPO" and "TPU's" should be defined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31, 32, 33 and 34 are rejected under 35 U.S.C. 102(a) as being anticipated by Chang et al (Hyperbranched poly ether sulfone).

Chang teaches 2, 4-dichloro-6- (4-phenoxyphenyl)-1,3,5-s-triazine and 2, 4-bis (4-methoxyphenyl)-6-(4-phenoxyphenyl)-1,3,5-s-triazine. The compounds anticipate the compound of claim 30 when W is halogen or chlorine and R₁- R₅ are hydrogen.

Accordingly, Chang teaching all the limitations of the claims anticipates the claims.

5. The prior art made of record and not relied upon is cited for teaching hydroxyl phenyl triazines and is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 703-308-2509. The examiner can normally be reached on Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone

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number for the organization where this application or proceeding is assigned is (703)
872-9306.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is 703-308-
0661.


Cepha D. Toomer
Primary Examiner
Art Unit 1714

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